

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED

DISTRICT COURT OF GUAM

NOV - 1 2005 

CASE NO. 05-00016-002

DATE: 10/31/2005

MARY L.M. MORAN
CLERK OF COURT

HON. WILLIAM ALSUP, Designated Judge, Presiding

Law Clerk: None Present

Court Reporter: Wanda Miles

Courtroom Deputy: Virginia T. Kilgore

Hearing Electronically Recorded: 4:00:09 - 4:41:50

CSO: J. Lizama / D. Quinata

*****APPEARANCES*****

DEFT: RAYMOND GERALD LIZAMA CALVO

ATTY : RAWLEN MANTANONA

(X) PRESENT () CUSTODY (X) BOND () P.R.

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

U.S. ATTORNEY: KARON JOHNSON

AGENT:

U.S. PROBATION: STEPHEN GUILLOT

U.S. MARSHAL: G. PEREZ

INTERPRETER: _____

() SWORN LANGUAGE: _____
() PREVIOUSLY SWORN

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS _____

Base offense level: 27 Total offense level: _____ Criminal History Category: _____

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested the Court to consider his client's minimal role, acceptance of responsibility and assistance to the Government.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Recommended a sentence of 55 months.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Defense moved the Court for Defendant's release pending designation by Bureau of Prisons. No objection. The Court GRANTED the request and stated that defendant shall surrender to the U.S. Marshal Service on Guam by January 6, 2006, at 12 noon, however if designation is received prior to January 6, 2006, the defendant may self-surrender for sentence at the institution designated by the Bureau of Prisons.

The Probation Officer requested that defendant comply with all previous release conditions imposed by the Court. No objection. GRANTED.

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 48 MONTHS WITH CREDIT FOR TIME SERVED (APPROXIMATELY 1 DAY).

(X) COURT RECOMMENDATION TO THE BUREAU OF PRISONS THAT DEFENDANT PARTICIPATE IN THE 500 HOUR COMPREHENSIVE DRUG TREATMENT PROGRAM.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF FOUR YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. WITHIN THE FIRST YEAR OF SUPERVISED RELEASE DEFENDANT SHALL GIVE A SPEECH 1 OR MORE TIMES TO AT LEAST 400 PEOPLE IN WHICH HE BEGINS BY SAYING, "I AM A CONVICTED FELON AND JUST SPENT FOUR YEARS IN THE FEDERAL PENITENTIARY AND I'M HERE TO TELL MY STORY". THE PROBATION OFFICER MUST BE PRESENT AT THE SPEECH.
2. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.
3. DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. HE SHALL SUBMIT TO UP TO EIGHT DRUG TESTS A MONTH FOR USE OF A CONTROLLED SUBSTANCE.
4. DEFENDANT SHALL SUBMIT TO COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL COMPLY WITH STANDARD CONDITIONS OF SUPERVISED RELEASE ADOPTED BY THE SENTENCING COMMISSION AND CODIFIED UNDER 18 U.S.C. § 3583.
6. DEFENDANT SHALL BE PROHIBITED FROM POSSESSING A FIREARM, AMMUNITION OR OTHER DANGEROUS WEAPON AND SHALL NOT BE PRESENT IN ANY AUTOMOBILE WHERE HE KNOWS A FIREARM, AMMUNITION, OR DANGEROUS WEAPON IS PRESENT.
7. DEFENDANT SHALL REFRAIN FROM THE USE OF ALCOHOLIC BEVERAGES.
8. DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR SUBSTANCE ABUSE, WHICH PROGRAM MAY INCLUDE TESTING TO DETERMINE WHETHER THE DEFENDANT HAS REVERTED TO THE USE OF DRUGS OR ALCOHOL.
9. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE WITH CREDIT FOR SPEECHES CONDUCTED.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS.